



TFW
GP 313
Docket No.: 101896-31
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael J. O'Neil

Application No.: 09/955,680

Confirmation No.: 1266

Filed: September 19, 2001

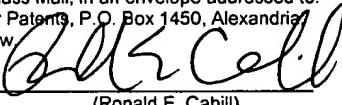
Art Unit: 3737

For: ALIGNMENT VERIFICATION DEVICE AND
METHOD OF USE

Examiner: William C. Jung

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 28, 2006

Signature: 

(Ronald E. Cahill)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INTERVIEW SUMMARY

Dear Sir:

The purpose of this paper is to provide a written statement of the substance of a telephone interview conducted regarding the above-identified patent application on April 26, 2006, pursuant to MPEP §713.04 and 37 CFR § 1.133(b).

On April 26, 2006, Applicant's representative, Ronald E. Cahill, conducted a telephone Interview with Supervisory Patent Examiner Brian L. Casler. During this Interview, Applicant's representative reviewed the history of this application and its current status. Most significantly, this application had been subject to:

- 1) A non-final rejection of a prior art "Perdue patent;"

- 2) A response (with no amendments to the claims) that provided reasoning for the proposition that the Perdue patent was not relevant to the claimed invention;
- 3) A final rejection over the Perdue patent;
- 4) A Notice of Appeal and Appeal Brief providing again Applicant's reasoning as to why the Perdue patent was not relevant to the claimed invention; and
- 5) A new Office Action purporting to re-open prosecution on this application, admitting that the reasoning provided in the Appeal Brief was persuasive, and providing a prior art rejection over the same Perdue patent.

SPE Casler and Applicant's representative AGREED that prosecution had been improperly re-opened and that the "new" Office Action rejecting the same claims over the same prior art that had been addressed in the Appeal Brief was IMPROPER. SPE Casler and Applicant's representative AGREED that, regardless of 37 CFR 1.133(b), that the outstanding Office Action would be REVOKED, and that a new Office Action would issue from the Examiner. Accordingly, NO RESPONSE IS CURRENTLY DUE.

On May 2, 2006, the status of this application as reflected on PAIR changed to "Case Docketed to Examiner in GAU." However, no new Office Action has been received – despite more than two months having passed since the Interview and nearly three months since the improper re-opening of prosecution.

If a new Office Action is not mailed within two weeks, Applicant will preserve its rights by re-filing its Notice of Appeal and Appeal Brief.

No fee is believed to be due with this filing. The Director, however, is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-31.

Respectfully submitted,



Ronald E. Cahill, Reg. No. 38,403
Attorney for Appellant
NUTTER McCLENNEN & FISH LLP
World Trade Center West
Telephone: (617) 439-2550
155 Seaport Boulevard
Boston, MA 02210-2699
Facsimile : (617) 310-9550

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